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RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

1 Michael K. Brown (State Bar No. 104252)
2 Thomas J. Yoo (State Bar No. 175118)
REED SMITH LLP
3 355 South Grand Avenue, Suite 2900
Los Angeles, CA 90071
Telephone: (213) 457-8000
4 Facsimile: (213) 457-8080

5 Steven J. Boranian (State Bar No. 174183)
Dana A. Blanton (State Bar No. 232373)
6 REED SMITH LLP
Two Embarcadero Center, Suite 2000
7 San Francisco, CA 94111
Telephone: (415) 543.8700
Facsimile: (415) 361.9260

9 Attorneys for Defendant Merck & Co., Inc.

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RICHARD W. WIEKING
CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT CALIFORNIA

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RILEY A. CHAVIS.

Plaintiff.

VS.

MERCK & CO., INC.

Defendants.

No. CV 05-3553 WHA

**STIPULATION AND [PROPOSED] ORDER
STAYING PROCEEDINGS PENDING
TRANSFER TO *IN RE VIOXX PRODUCTS
LIABILITY LITIGATION*, MDL NO. 1657**

STIPULATION AND [PROPOSED] ORDER STAYING PROCEEDINGS PENDING TRANSFER TO IN RE
VIOXX PRODUCTS LIABILITY LITIGATION, MDL NO. 1657

1 The parties, by and through their counsel, stipulate to and respectfully request a stay of all
2 proceedings in this action pending the transfer of this case to *In re VIOXX Products Liability*
3 *Litigation*, MDL No. 1657.

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5 Plaintiffs allege personal injuries and loss of consortium attributed to the prescription drug
6 Vioxx®. Defendant Merck & Co., Inc. (“Merck”) manufactured and distributed Vioxx, but
7 voluntarily withdrew Vioxx from the market on September 30, 2004.

8

9 On February 16, 2005, the Judicial Panel on Multidistrict Litigation (“JPML”) issued an
10 order transferring 148 Vioxx-related cases to the United States District Court for the Eastern District
11 of Louisiana for coordinated pretrial proceedings under 28 U.S.C. § 1407. On September 30, 2005,
12 the JPML issued a conditional transfer order of this case to the Vioxx MDL that will become
13 effective when it is filed in the Office of the Clerk of the United States District Court for the Eastern
14 District of Louisiana. A copy of the conditional transfer order is attached hereto as Exhibit A.

15

16 While the transfer order is pending, a stay will potentially conserve judicial resources and
17 will not cause unfair prejudice to the parties. *See Rivers v. Walt Disney Co.*, 980 F. Supp. 1358,
18 1360 (C.D. Cal. 1997) (stay pending MDL transfer decision action would further judicial economy
19 because “any efforts on behalf of this Court concerning case management will most likely have to be
20 replicated by the judge that is assigned to handle the consolidated litigation”).

21

22 Based on the foregoing, the parties respectfully request that the Court stay this action
23 pending its transfer to MDL No. 1657.

1 DATED: October 20, 2005.

2 REED SMITH LLP

3
4 By Dana Blanton
5 Dana A. Blanton
6 Attorneys for Defendant
7 Merck & Co., Inc.

8 DATED: October 25, 2005.

9 SPECTER SPECTER EVANS & MANOGUE PC

10 By Megan Faust-Craig
11 Megan Faust-Craig, Esq.
12 Attorneys for Plaintiffs

13 **ORDER**

14 Having considered the foregoing stipulation and good cause appearing therefore, IT IS SO
15 ORDERED.

16 DATED:

17 11/7/05

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21 United States District Judge
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